

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN OF WEST VIRGINIA
HUNTINGTON**

THERMAN MAYNARD,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:18-cv-00239
HONORABLE ROBERT C.
CHAMBERS**

**WAYNE COUNTY COMMISSION, a West
Virginia county government; and WADE
WELLMAN, individually and in his
official capacity,**

Defendants.

DEFENDANTS' MOTION TO DISMISS

NOW COME the Defendants, Wayne County Commission and Wade Wellman, individually and in his official capacity, by counsel, Wendy E. Greve, Drannon L. Adkins, and the law firm of Pullin, Fowler, Flanagan, Brown & Poe, PLLC, and hereby move this Honorable Court, pursuant to Rule 12(b)(6) of the *Federal Rules of Civil Procedure* and Local Rule 7.1, to dismiss Plaintiff's claims asserted against them with prejudice. Defendants contend that the claims should be dismissed which are more fully articulated in their Memorandum of Law in Support of their Motion to Dismiss.

WHEREFORE, for the reasons articulated more fully in their Memorandum of Law in Support of Motion to Dismiss, the Defendants, Wayne County Commission and Wade Wellman, individually and his official capacity, move this Honorable Court, pursuant to Rule 12(b)(6) of the *Federal Rules of Civil Procedure*, for an Order dismissing Plaintiff's claims asserted against them, with prejudice, and for such other and further relief as this Honorable Court deems appropriate.

**Wayne County Commission and Wade
Wellman, individually and in his official
capacity
By Counsel,**

/s/ Wendy E. Greve

Wendy E. Greve, WV State Bar No. 6599
Drannon L. Adkins, WV State Bar No. 11384

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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of April 2018 I electronically filed the foregoing ***DEFENDANTS' MOTION TO DISMISS*** with the Clerk of the Court using the CM/ECF system which will send notification of such filing.

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Counsel for Plaintiff

/s/ Wendy E. Greve

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